



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU

Writer Direct: (518) 402-2270  
January 19, 2011

Hon. David N. Hurd  
United States District Court Judge  
Alexander Pirnie Federal Building and Courthouse  
10 Broad Street  
Utica, NY 13501

Re: *Morin v. Tormey, et al*  
Northern District of New York  
5:07-CV-0517 (DNH)(ATB)

Dear Judge Hurd:

Thank you for meeting with the parties last week. As you are aware, the Office of the Attorney General has recently reassessed the propriety of its continuing representation of the defendants in this action. Based upon available information, the OAG has determined under Public Officers' Law §17 that it will be inappropriate for the Attorney General to continue with such representation. The OAG is certifying to the Office of the State Comptroller that the defendants are entitled to be represented by private counsel.

On or by Thursday, January 20, 2011 the parties are required to advise the Court of their preferred date for the commencement of trial. Three of our former clients - the Hon. James C. Tormey, John Voninski and William Dowling - have retained counsel. However, the Hon. Bryan Hedges was only notified yesterday of the OAG's determination and, as such, has not made arrangements for private representation. In order to provide Judge Hedges an opportunity to retain counsel, please let us extend the advisory date to Friday, January 28.

Counsels for Judge Tormey, Mr. Voninski and Mr. Dowling have consented to this request. Counsel for the plaintiff has advised that he will oppose the request under separate cover.

Thank you for your consideration and your attention to this matter.

Respectfully,

s/Charles J. Quackenbush  
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Robert Smith, Esq. (*counsel for Hon. James C. Tormey*)